



Planning Department

**TOWN OF ACTON**  
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**MEMORANDUM**

**To:** Zoning Board of Appeal **Date:** May 23, 2016  
**From:** Robert Hummel, Assistant Town Planner *RH*  
**Subject:** Special Permit #16-04 —296 and 298 Central Street

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**Applicant:** Assabet Properties, Inc  
**Property Owner:** Dennis J + Lyrl C. Ahern  
**Location:** 296 and 298 Central Street  
**Map/Parcel:** F2A-49, 57  
**Zoning:** VR  
**Proposed Use:** Two-Family Dwelling (3.3.3)  
**Hearing Date:** June 6, 2016  
**Decision Due Date:** September 4, 2016

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**Background**

1. The applicant requests a special permit under Zoning Bylaw section 3.3.3 to build a Two-Family Dwelling at 296 and 298 Central Street. 296 and 298 Central Street are considered one Lot for zoning purposes, and together conform as one legal Lot. The applicant, on the behalf of the owners, proposes to demolish both houses located at 296 and 298 Central Street and build a duplex in their place. Prior to the 2013 Special Town Meeting, this use was allowed by-right. This is the first request for a special permit since the zoning change was adopted.

**Comment**

1. The proposed building meets all the required setbacks and the standard dimensions for the Village Residential Zoning District.
2. The two buildings located at 296 and 298 Central Street are located on the Town's Cultural Resource List. The applicant would need to file a demolition permit with the Building Department for both houses before demolition. Because the houses are on the Cultural Resource list, it is subjected to the Demolition Delay Bylaw.
3. The site is located outside the West Acton Historic District.
4. The Assessor's Card indicates that both houses' exterior and interior are in poor shape. The rear roof at 296 Central Street has caved in and the floor at 298 Central Street has fallen through.
5. The applicant has 296 and 298 labeled as the addresses on the proposed plot plan but we would defer to the Engineering Department for the numbering of the duplex.
6. There is no sidewalk indicated on the plan.

7. Bylaw Section 10.3.6.9, Special Permit Conditions, gives the Board of Appeals the authority to require a sidewalk along the entire frontage of a lot. The Board of Appeals may require a sidewalk to be built, accept a donation to the sidewalk fund in lieu of building the sidewalk, or grant a waiver of the sidewalk requirement.
8. The Planning Department has no objections to this Special Permit request.

### **Recommendations**

If the Special Permit is granted, the decision should include findings, conditions and limitations as follows:

- a. That the Petitioner must record the Special Permit decision at the Middlesex South District Registry of Deeds prior to building permit.
- b. That all taxes, penalties and back charges resulting from the non-payment of taxes, if any, shall be paid in full prior to the building permit.
- c. That the Special Permit conditions (if any) have been stated for the purpose of emphasizing their importance, but are not intended to be all-inclusive or to negate the remainder of the Bylaw.
- d. That the Town of Acton may elect to enforce compliance with the conditions (if any) of this Special Permit using any and all powers available to it under the law.
- e. That other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by the decision.
- f. That the Board reserves its right and power to modify or amend the terms and conditions of this Special Permit with or without a public hearing upon the request of the Applicant, its designees or assigns, or upon its own motion.
- g. That the proposed request is consistent with the Master Plan; is in harmony with the purpose and intent of the zoning bylaw; will not be detrimental or injurious to the neighborhood; is appropriate for the site; and complies with all applicable requirements of the zoning bylaw.